

I. AG Unfair Practices Claims

1. 18 States—FTC Section 5 standard (Mot. 39-41)
 - A. 13 statutes incorporate Section 5 (AZ, CT, FL, GA, HA, IL, LA, ND, OH, PA, RI, SC, WA)
 - B. 4 state supreme courts—statutes governed by Section 5 (DE, KY, NE, NC)
 - C. New York—bases claim on Section 5 violation
2. 2 States—*Sperry* test (MN, MO) (Mot. 47-48)
3. California—FTC Section 5; *Sperry* test; “tethered” to legislative policy (Mot. 46)
4. 5 States—no separate unfair practices claims (CO, IN, KS, NJ, OR) (Mot. 46-49)
5. 8 States do not assert unfair practices claims (ID, ME, MD, MI, SD, VA, WV, WI)

II. AG Consumer Protection Claims

1. Indiana: “a sale, lease, assignment . . . or other disposition of . . . a service” (Mot. 49)
2. Kansas: “a sale, lease, assignment or other disposition for value of property or services” (Mot. 50)
3. Nebraska: “the sale of assets or services” (Mot. 52)
4. Ohio: “a sale, lease, assignment . . . or other transfer of . . . a service” (Mot. 50)
5. Virginia: “the advertisement, sale, lease, [or] license . . . of goods or services” (Mot. 50)
6. 12 States—“trade or commerce” (CT, GA, HA, IL, KY, LA, ME, MI, MO, PA, RI, SC) (Mot. 51)
7. 4 States do not assert consumer protection claims (ID, MD, SD, WV)

III. PI Consumer Protection Claims

1. 17 States in Part II—“consumer transaction” or conduct in “trade or commerce” (CT, GA, HA, IL, IN, KS, KY, LA, ME, MI, MO, NE, OH, PA, RI, SC, VA)
2. Idaho, Massachusetts, Tennessee—conduct in “trade or commerce” (Mot. 57 n.62)
3. Alabama—any person “who buys goods or services” (Mot. 58)
4. Maryland—the “sale, lease, rental, loan or bailment of any consumer goods or consumer services” (Mot. 59)
5. Texas—any person who “acquires by purchase or lease any goods or services” (Mot. 58 n.63)
6. Utah—“sale, lease, assignment . . . or other written or oral transfer or disposition of goods, services or other property” (Mot. 58)
7. Vermont— any person who “purchases, leases, contracts for, or otherwise agrees to pay consideration for” goods or services (Mot. 58 n.63)
8. 18 States—“ascertainable loss” (AL, CA, CT, DE, ID, IA, KY, LA, ME, MI, NJ, OH, OR, PA, RI, SC, VA, WV) (Mot. 63 n.69)